

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Empowering Consumers to Prevent and Detect  
Billing for Unauthorized Charges (“Cramming”)

Consumer Information and Disclosure

Truth-in-Billing and Billing Format

CG Docket No. 11-116

CG Docket No. 09-158

CC Docket No. 98-170  
FCC 11-106

**JOINT COMMENTS OF THE NEW ENGLAND CONFERENCE OF PUBLIC  
UTILITIES COMMISSIONERS – THE CONNECTICUT DEPARTMENT OF ENERGY  
AND ENVIRONMENTAL PROTECTION PUBLIC UTILITIES REGULATORY  
AUTHORITY, THE MAINE PUBLIC UTILITIES COMMISSION, THE  
MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE,  
THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION, THE VERMONT  
DEPARTMENT OF PUBLIC SERVICE, AND THE VERMONT PUBLIC SERVICE  
BOARD – AND THE RHODE ISLAND DIVISION OF PUBLIC UTILITIES AND  
CARRIERS**

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**JOINT COMMENTS OF THE  
NEW ENGLAND CONFERENCE OF PUBLIC UTILITIES COMMISSIONERS AND  
THE RHODE ISLAND DIVISION OF PUBLIC UTILITIES AND CARRIERS**

The New England Conference of Public Utilities Commissioners (NECPUC)<sup>1</sup> and the Rhode Island Division of Public Utilities and Carriers (RI DPUC) (collectively the New England Commissions) respectfully submit these comments in response to the *Cramming NPRM* issued by the Federal Communications Commission (Commission) on July 12, 2011, in the above-referenced dockets.<sup>2</sup> The NECPUC members endorsing these comments are the Connecticut Department of Energy and Environmental Protection Public Utilities Regulatory Authority (CT

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<sup>1</sup> NECPUC is a non-profit corporation comprising the utility regulatory bodies of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. Every New England utility commissioner is a director of NECPUC for the duration of his or her tenure. NECPUC’s presidency rotates among the six states on an annual basis. NECPUC provides regional regulatory assistance on matters of common concern to the six New England states. NECPUC has no independent regulatory authority. It addresses issues challenging the electricity, gas, telecommunications and water industries. See NECPUC Website, available at: [www.necpuc.org](http://www.necpuc.org) (last viewed Sept. 27, 2011).

<sup>2</sup> See *In the Matter of Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (“Cramming”); Consumer Information and Disclosure; Truth-in-Billing and Billing Format*, CG Docket Nos. 11-116 and 09-158, CC Docket No. 98-170, Notice of Proposed Rulemaking, FCC 11-106 (rel. Jul. 12, 2011) (*Cramming NPRM*).

PURA), the Maine Public Utilities Commission (MEPUC), the Massachusetts Department of Telecommunications and Cable (MDTC), the New Hampshire Public Utilities Commission (NHPUC), the Vermont Department of Public Service (VT DPS), and the Vermont Public Service Board (VTPSB). While the Commission has previously concluded that the placement of unauthorized charges for or in connection with telephone service constitutes an unjust and unreasonable practice that violates federal law and has adopted Truth-in-Billing rules intended in part to address this practice, the Commission recognizes that cramming appears to continue to be “a significant and ongoing problem.”<sup>3</sup> As a result, the Commission seeks comment on implementing additional rules meant to “empower consumers to prevent, detect, and resolve issues” related to cramming.<sup>4</sup>

## **I. SUMMARY**

The New England Commissions commend the Commission’s intent to implement additional cramming rules and welcome this opportunity to comment. Like the Commission, the New England Commissions recognize that cramming has been an ongoing issue and that a problem exists. Because market forces alone are often insufficient to adequately protect consumers, the New England Commissions offer these comments as a state-specific breakdown of cramming numbers and trends and provide a brief snapshot of the state of competition in New England. Further, the New England Commissions strongly urge the Commission to implement more stringent and mandatory federal cramming rules.

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<sup>3</sup> *Id.* at ¶¶ 1-3 (citations omitted). The Commission notes that cramming “can be the customer’s own telecommunications service provider or an unaffiliated third party that may or may not be a common carrier” but appears focused on addressing unaffiliated third party charges. *Id.* at n.2.

<sup>4</sup> *Id.* at ¶ 3.

The Commission should adopt uniform cramming rules that apply to all voice providers, regardless of the technology used. Instead of prohibiting third-party charges on telephone bills, the New England Commissions support the “moderate approach” proposed by the Commission, but only if certain requirements are met. Namely, the Commission needs to: (1) mandate that all carriers offer a blocking option to their customers free-of-charge; (2) mandate that all disclosures are clear and conspicuous; and (3) ensure that the rules do not preempt more stringent state cramming standards. As a corollary, the New England Commissions support timelines and a process for limited waiver in order for carriers to implement the rules that are reasonable. The Commission needs to carefully consider its proposal to include contact information on consumer bills. Further, the Commission should consider how its numbering authority may be used to further support cramming rules imposed on voice and third party vendor providers. Finally, the New England Commissions support a federal-state collaborative approach where (1) the Commission clearly specifies that its new rules would not preempt states’ consumer protection or other regulatory authority; (2) state and federal agencies voluntarily share cramming complaints and data; and (3) the Commission requires providers to report complaint trends and spikes involving specific third-party vendors to appropriate federal and state agencies that so request.

As a preliminary matter, these comments are based on the New England Commissions’ views at this time and may change based on subsequent events and record developments. In particular, these comments are directed toward the issues raised by the Commission in the NPRM and should not be construed as binding upon the New England Commissions in any proceedings conducted before them. Silence on particular issues raised in the NPRM should not be construed as New England Commission support for those issues.

## **II. EXISTING MARKET FORCES IN NEW ENGLAND DO NOT SUFFICIENTLY PROTECT CONSUMERS FROM CRAMMING.**

While the Commission deems cramming to be an unjust and unreasonable practice in violation of Section 201(b) of the Communications Act, as amended,<sup>5</sup> and has proposed millions of dollars of forfeitures to individual companies violating this provision,<sup>6</sup> the Commission has provided minimal regulatory requirements to date. In particular, in response to a growing spike in cramming and slamming complaints received during the 1990s by federal and state entities, the Commission chose to adopt ““broad, binding principles” to promote truth-in-billing, rather than mandating more detailed rules to govern the details or format of carrier billing practices.”<sup>7</sup> Further, the Commission permitted industry to adopt a voluntary code of “best practices” designed to prevent the placement of unauthorized charges on consumer bills.<sup>8</sup>

Industry commenters argued that “all carriers have incentives to protect subscribers from unauthorized charges and take adequate measures to do so” and contend that more stringent requirements are unnecessary.<sup>9</sup> However, as the record clearly supports, voluntary industry measures and market forces have proven insufficient to curtail the ongoing and growing prevalence of cramming complaints on all voice bills, including those of traditional wireline, wireless, and interconnected voice-over Internet protocol (VoIP) service providers.<sup>10</sup> In addition,

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<sup>5</sup> 47 U.S.C. § 201(b).

<sup>6</sup> *Cramming NPRM* at n.8.

<sup>7</sup> *Id.* at ¶ 11, *citing Truth-in-Billing and Billing Format*, CC Docket No. 98-170, First Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 7492, at 7498, ¶ 9 (rel. May 11, 1999) (*First Truth-in-Billing Order*).

<sup>8</sup> *Id.* at ¶ 10, *citing Anti-Cramming Best Practices Guidelines*, available at: [http://www.fcc.gov/Bureaus/Common\\_Carrier/Other/cramming/cramming.html](http://www.fcc.gov/Bureaus/Common_Carrier/Other/cramming/cramming.html) (last viewed Sept. 29, 2011).

<sup>9</sup> *Id.* at ¶ 17 (referencing certain industry comments).

<sup>10</sup> *Id.* at ¶¶ 19-36 (discussing federal and state cramming complaint trends and actions). *See also* Letter from Tony Clark, National Association of Regulatory Utility Commissioners (NARUC) President, and John Burke, NARUC Committee Chair on Telecommunications, to the Senate Committee on Commerce, Science, and

many carriers have a financial *disincentive* to closely monitor customer bills because: (1) carriers often earn revenues by placing third-party charges on their customers' bills; and (2) unauthorized charges often go undetected and unchallenged by consumers. For instance, Senate Commerce Committee staff recently indicated that wireline phone companies reported netting "over a billion dollars in revenue through third-party billing" over the past decade.<sup>11</sup>

**A. A Discussion of Competition in New England**

Many in industry are again likely to argue that the communications market is fully competitive with multiple service offerings (i.e., traditional wireline, wireless, interconnected VoIP, etc.) available to consumers, precluding the need for additional federal regulation.<sup>12</sup> While the New England Commissions agree that competitive alternatives for communication services may exist in more densely populated areas of New England, consumers have limited or no competitive choices in some areas. Certainly, those consumers who are located in less competitive markets would benefit from more stringent federal cramming regulations. However, even in those areas where competition may be more robust, market forces alone are often insufficient to adequately protect consumers, as clearly indicated by the record.<sup>13</sup>

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Transportation, *Senate Commerce Committee Hearing on Unauthorized Charges on Telephone Bills: Why Crammers Win and Consumers Lose – July 13, 2011* (Jul. 12, 2011), available at: <http://www.naruc.org/Testimony/11%200712%20NARUC%20Lt%20Sen%20Com%20cramming%20hearing%20%20FINAL.pdf> (last viewed Oct. 14, 2011).

<sup>11</sup> Office of Oversight and Investigations – Majority Staff, Senate Commerce Committee, "Unauthorized Charges on Telephone Bills – Staff Report for Chairman Rockefeller," at 11 (Jul. 12, 2011) (*Senate Staff Report*).

<sup>12</sup> See, e.g., AT&T Reply Comments, CG Docket No. 09-158, CC Docket No. 98-170, and WC Docket No. 04-36 (filed Oct. 28, 2009); Comcast Reply Comments, CG Docket No. 09-158, CC Docket No. 98-170, and WC Docket No. 04-36 (filed Oct. 28, 2009); T-Mobile Reply Comments, CG Docket No. 09-158, CC Docket No. 98-170, and WC Docket No. 04-36 (filed Oct. 28, 2009); Verizon and Verizon Wireless Reply Comments, CG Docket No. 09-158, CC Docket No. 98-170, and WC Docket No. 04-36 (filed Oct. 28, 2009).

<sup>13</sup> Further, even where consumers may have greater competitive alternatives, they may not be able to easily switch voice services due to early termination fees associated with service contracts, spotty coverage, or other variables that limit options.

The New England Commissions recognize that the traditional wireline voice and video providers experienced a substantial convergence of products over the past few years, especially as many providers have upgraded their networks to offer broadband and other services as part of a “bundled” package. As a result, many consumers in densely populated areas of New England may choose from at least two providers of voice services.<sup>14</sup> In less populated areas of a state and for some segments of the market such as moderate to lower income consumers, competitive alternatives do not exist to the same degree or have declined. Moreover, because of changing industry conditions, the communications markets in New England has become more concentrated and dominated by only a handful of large providers.

In order to counter the anticipated “competitive marketplace” arguments, the New England Commissions offer snapshots of competition within the communications marketplace within certain New England states.

**1. Connecticut – CT PURA**

In addition to the two incumbent local exchange carriers (ILECs) offering local and long distance services in Connecticut, there are more than 240 telecommunications service providers

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<sup>14</sup> Indeed, if the Commission treats facilities-based interconnected VoIP and traditional wireline voice as comparable services, then a sizable part of the residential voice market may be considered a duopoly. NECPUC agrees with statements previously made by Commissioner Copps and former Commissioner Adelstein that the Act “envisioned more than just a cable-telephone duopoly as sufficient competition in the marketplace” and “contemplates a competitive environment based on more than a simple rivalry – or duopoly – of a wireline and cable provider.” *Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Areas*, WC Docket No. 06-172, Memorandum Opinion and Order, FCC 07-212, Concurring Statements of Commissioner Michael J. Copps and Commissioner Jonathan S. Adelstein (rel. Dec. 5, 2007).



certificated to provide local and long distance services in the state.<sup>15</sup> There are also eight wireless carriers offering mobile services in the state.<sup>16</sup>

Certified competitive local exchange carriers (CLECs) offering telecommunications services in the state possess a 30% share of the local exchange market which is up from 15% over 2009 totals.<sup>17</sup> This is consistent with the decline in ILEC switched access lines. Specifically, the total number of ILEC switched access lines has decreased from approximately 1.7 million in December 2007 to approximately 1.5 million in December 2008.<sup>18</sup> These statistics were confirmed by Comcast Phone of Connecticut which also points out that the number of non-ILEC total end user access lines and VoIP subscriptions was just over 2.1 million.<sup>19</sup> Also, the number of wireless subscribers in Connecticut has continued to grow, from almost 2.9 million to over 3.0 million or a 3% increase year over the previous year.<sup>20</sup>

There was a decrease in the number of telecommunications service-related complaints filed with the PURA during calendar year 2010. In particular, the PURA estimated an approximate 11% decrease in telecommunications-related complaints over calendar year 2009.<sup>21</sup> In addition, this represents a decrease in complaints of almost 87% from the historical high established in calendar year 2001.<sup>22</sup>

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<sup>15</sup> Docket No. 10-01-08, DPUC 2010 Annual Report to the General Assembly on the Status of Telecommunications in Connecticut (*PURA Telcom Annual Report*), December 22, 2010 Decision, at 17.

<sup>16</sup> FCC Wireline Competition Bureau, *Local Telephone Competition: Status as of June 30, 2010*, at Table 17 (rel. Mar. 2011) (*June 2010 Local Competition Report*).

<sup>17</sup> *PURA Telcom Annual Report* at 18.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 19.

<sup>20</sup> *June 2010 Local Competition Report* at Table 17.

<sup>21</sup> *PURA Telcom Annual Report* at 23.

<sup>22</sup> *Id.*

Finally, prior to 2006, billing complaints have typically accounted for 40-50% of all telecommunications company complaints received by the PURA. Starting in calendar year 2006, that trend changed as Connecticut customers filed slightly more quality of service complaints than billing complaints. This development has remained constant through calendar year 2010 as quality of service complaints continued to be the primary source of reported consumer dissatisfaction.<sup>23</sup>

## 2. Maine – MEPUC

Maine's regulated ILECs have traditionally dominated the markets in their service territories. However, within a short period of time Maine's telecommunications industry has followed national trends and experienced tremendous change. This change has been a result of a number of factors to include cable television providers offering telephone service using fixed VoIP technology to their customers in most of their franchise territories. CLECs have increased their market share by offering voice and broadband services. Many customers now receive voice service through a wireless phone and have replaced their traditional wireline service with a mobile phone altogether. While the MEPUC does not have regulatory authority over mobile wireless carriers, recent revenue reports from ILECs and CLECs suggest that consumers may be migrating to those other voice services.

Maine has 23 ILECs which fall under seven ownership groups providing voice telephone service throughout Maine. The largest ILEC is Northern New England Telephone Operations LLC d/b/a FairPoint Communications, which was previously Verizon Communications. In 2010 FairPoint accounted for 49% of wireline phone service in Maine, down from 60% when Verizon

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<sup>23</sup> *Id.* at 24.

held the same territory. Maine's other ILECs made up 13% of the wireline market in 2010, up from 11% in 2007.

There are currently 72 CLEC providers in Maine. As competition has increased, Maine's subscribership to traditional wire-line landline services has dropped. CLECs accounted for 25% of phone service in Maine in 2010, which is up from their 23% share in 2007. Two prominent CLECs in Maine serving residential retail customers are cable companies. The Commission has more relaxed regulatory authority over the fixed VoIP portion of the services offered by these two companies. By 2010, VoIP services accounted for roughly 13% of all intrastate retail telephone (wireline) revenue, up from 6% in 2007.

While the MEPUC does not have regulatory authority over mobile wireless carriers, recent revenue reports from ILECs and CLECs suggest that consumers may be migrating to other voice services such as wireless. However, it is noteworthy that Maine is the least densely populated state east of the Mississippi and contains some of the most remote areas in the east. These areas are extremely costly to serve and unlikely to have any competition. In some of those areas the provision of wireless service is cost prohibitive because one tower per customer location would be required to provide wireless service.

### 3. Massachusetts – MDTC<sup>24</sup>

The residential wireline voice market in Massachusetts is essentially a two-provider market served by Verizon, the near-ubiquitous ILEC; and cable voice providers, including Comcast, whose franchises are based on a town-by-town basis.<sup>25</sup> The Commission reports a total

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<sup>24</sup> Much of this section utilizes updated data from the *Massachusetts Competition Status Report*, which the MDTC anticipates releasing shortly.

<sup>25</sup> For instance, Comcast serves 238 cities and towns in Massachusetts out of 351. Further, cable voice providers predominately offer facilities-based VoIP services.

of 3.8 million access lines and facilities-based VoIP subscriptions provided by carriers in Massachusetts as of June 2010, with 2.2 million of these lines provided to residential consumers.<sup>26</sup> Furthermore, the Commission reported that ILECs provide 56% of the total access and facilities-based VoIP lines (business and residential) in the state, with the remaining 44% split among competitive local exchange carriers and cable voice providers.<sup>27</sup> Of these residential lines and based on comparable data, Verizon and the other four very small ILECs provide 1.2 million lines (57.7%), cable carriers provide 867.4 thousand lines (41.1%), and CLECs provide 24.3 lines (1.2%). In particular, since 2005, relatively few CLECs actively market services to residential customers, with a market share declining from 7.5% in June 2005 to 1.2% by June 2010. Over the same period, cable providers have gained market share, from 13.1% in June 2005 to 41.1%.

While wireline voice competition between ILECs and cable companies is stronger in certain areas of Massachusetts, regional distinctions persist. For instance, rural customers in 48 Massachusetts communities lack any cable voice provider, which means that they have no competitive options for wireline (traditional wireline or facilities-based VoIP) voice service. Furthermore, for most of the 303 communities with a cable voice alternative, there is only one operator providing this alternative to the ILEC service (here, Verizon). Currently, Verizon operates a cable video alternative in approximately 107 communities in Massachusetts through its FiOS product offering, but these franchises are located in the eastern part of the state. Further, Verizon's FiOS build-out does not provide consumers with a new voice alternative because Verizon is already entrenched in these communities as the ILEC. The MDTC estimates

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<sup>26</sup> *June 2010 Local Competition Report* at Tables 8 and 9.

<sup>27</sup> *Id.* at Table 11.

that 97.1% of the households in Massachusetts could access service from at least one cable voice operator, while approximately 20.8% (508,800) of all households may access cable voice services from two cable operators. All of these latter households are located in 19 communities within a 25 mile radius of Boston and are served by either RCN or a municipal cable provider in addition to the incumbent cable provider. Therefore, the residential wireline market is essentially a two-provider market (ILEC and one cable provider) for 2 million (78%) of Massachusetts households.

With regard to wireless voice service, most consumers statewide have access to service from at least one wireless carrier. However, zero coverage areas are prevalent across Western Massachusetts in the Berkshire and Pioneer Valley regions. By contrast, much of the Boston metropolitan region is covered by at least three wireless voice carriers. In the state, wireless phones outnumber the wireline phones – 6.3 million cell phone subscribers versus 3.8 million total wireline voice (traditional wireline and VoIP) subscriptions – implying that cell service is primarily used as a complement to wireline voice services.<sup>28</sup> Statistics provided by the Center for Disease Control (CDC) support this assumption. The CDC estimates that approximately 16.8% of Massachusetts adult households and 15.1% of Massachusetts households with children are wireless-only households, compared to the CDC’s estimated national average of 26.6% wireless-only households as of June 2010.<sup>29</sup>

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<sup>28</sup> *Id.* at Tables 8 and 17.

<sup>29</sup> Centers for Disease Control and Prevention, National Health Statistics Reports Number 39, *Wireless Substitution: State-level Estimates From the National Health Interview Survey, January 2007–June 2010* (rel. Apr. 20, 2011), available at: <http://www.cdc.gov/nchs/data/nhsr/nhsr039.pdf> (last viewed Oct. 12, 2011).

#### **4. New Hampshire – NHPUC**

New Hampshire has 11 ILECs. As in Maine and Vermont, the largest ILEC is FairPoint which acquired Verizon's assets in 2008. One of the rural ILECs is a FairPoint affiliate and 5 of the rural ILECs are TDS affiliates. There are 109 authorized CLECs. A review of the revenue reported by ILECs and CLECs provides some insight into the competitive market in New Hampshire. While total revenue is declining, it is not declining across the board. Although ILEC revenue is declining, cable voice providers have experienced revenue growth. Based on revenue, FairPoint had approximately 47% of the wireline local service market in New Hampshire in 2010. The rural ILECs served an additional 5% of the local service market while cable voice providers had approximately 27% and the remaining 21% was served by non-cable CLECs. No area of the state is served by more than one cable provider and, as in the other New England states, there are areas in the northern and western parts of New Hampshire where no wireline alternative is available and wireless coverage is not a sufficient substitute.

There were more cell phone numbers assigned in New Hampshire in 2010 than the total number of access lines in service. However, according to CDC statistics<sup>30</sup>, only 16% of New Hampshire households were wireless only. Nationally, the CDC estimates 26.6% of households are wireless only, suggesting that in New Hampshire wireless phone service is primarily a complementary service to wireline phone service rather than a substitute.

#### **5. Rhode Island – RI DPUC**

Rhode Island has 77 CLECs, 120 Resellers, and 1 ILEC registered to do business in the state. Of these, 43 CLECs reported in the aggregate almost \$100,000,000 in revenues with 9 reporting over the \$1 million mark. For the Resellers, 72 reported revenues in the aggregate of

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<sup>30</sup> *Id.*

almost \$4.5 million with only 2 reaching the \$1 million level. Finally, the local ILEC, Verizon Rhode Island, in the aggregate provided 55% of the total reported revenues for telecommunication carriers within the state. The reported wireline losses totaled in the aggregate of 5% to 9% each year for the past 6 years. No information is available about the number of customers who have left traditional wireline service for wireless or VoIP service, but in 2010 there were more cell phone numbers than wireline access lines in Rhode Island.

**6. Vermont – VT DPS**

While FairPoint remains the largest provider of voice services in Vermont, the number of access lines for the company continues to decline. Competition from wireless and cable providers continues to result in declining access lines for FairPoint and, to a lesser degree, the smaller ILECs in the state. Further, while some areas of the state continue to see growth and expansion of competition to landline service, the more rural areas of the state are at a distinct disadvantage. For example, the rural northern county of Essex has a cable coverage rate of just over 17%, and a cellular coverage rate of 28.9% and 74.7% from the two largest cellular companies serving the state. In contrast, Chittenden County, home to the largest city in the state, as well as a municipal-owned telephone and cable company, has a cable coverage rate of 94.9%, and a cellular coverage rate of 99%.

**B. New England Commissions Continue to Receive Cramming Complaints**

Notwithstanding industry arguments that more stringent requirements are unnecessary, the Commission recognizes that cramming is a substantial and growing problem, pointing to filings from several state and federal regulatory and law enforcement entities and consumer

organizations.<sup>31</sup> The Commission specifically requests updated cramming information from state and local regulatory entities that process complaints. In response, the New England Commissions offer the following information, summarized, *infra*, at Table 1 – “New England Commission Cramming Complaints 2008-Aug. 2011.”<sup>32</sup>

Between 2008 through August 2011, the reporting New England Commissions received at least 1,611 cramming complaints, with resolution resulting in over \$51,446.00 in customer refunds. These numbers do not account for complaints that may have been received by other state and local government and consumer entities. Further, outside of certain eligible telecommunications carrier (ETC) designation authority, none of the New England Commissions currently regulate wireless voice providers, and certain states, such as Massachusetts and Maine, have been statutorily barred from regulating interconnected VoIP providers.<sup>33</sup> As a result, many subscribers of those services do not contact their state commission to seek resolution of their issues, although each commission’s staff assist to the extent that they are able to any consumers that may reach out. While these numbers represent only a small fraction of the over 21.4 million voice subscribers in New England,<sup>34</sup> the New England Commissions concur with the Commission that “the number of cramming complaints likely substantially understates the actual extent of the problem” due to customers often being unaware that such charges can be placed on

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<sup>31</sup> *Cramming NPRM* at ¶¶ 15-16 (referencing several comments responding to the Commission’s recent *Consumer Information Notice of Inquiry*).

<sup>32</sup> *Id.* at ¶ 67.

<sup>33</sup> See Maine LD 1466 - Resolve Chapter 69 Sec. 4 (“The Commission may not regulate interconnected voice over Internet protocol service as a telephone service”); Mass. Gen. Laws ch. 25C, § 6A (“Voice over internet protocol service and internet protocol enabled service; regulation prohibited”).

<sup>34</sup> *June 2010 Local Competition Report* at Tables 8 and 17 (adding total subscriptions for Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont).



their bills or of where or how to file complaints, customer inaction, and efforts made by third-party providers “to avoid drawing attention” to the charges.<sup>35</sup>

**TABLE 1 – New England Commission Cramming Complaints 2008-Aug. 2011**

<u>State Commission</u>	<u>2008 Complaints</u>	<u>2008 Total Refunds</u>	<u>2009 Complaints</u>	<u>2009 Total Refunds</u>	<u>2010 Complaints</u>	<u>2010 Total Refunds</u>	<u>2011 Complaints (thru. Aug.)</u>	<u>2011 Total Refunds (thru. Aug.)</u>
<b><u>CT PURA*</u></b>	xx	xx	xx	xx	xx	xx	xx	xx
<b><u>MEPUC*</u></b>	12	\$477.05	26	\$1,613.33	16	\$1,691.17	5	\$2,249.44
<b><u>MDTC</u></b>	65	\$4,631.94	95	\$1,907.21	118	\$5,286.92	88	\$4,678.30
<b><u>NHPUC</u></b>	68	\$3,671.33	163	\$4,766.81	73	\$6,145.01	13	\$284.20
<b><u>RI PUC**</u></b>	~180	xx	~180	xx	~180	xx	~180	xx
<b><u>VT DPS</u></b>	43	\$2,575.25	39	\$1,563.68	56	\$6,123.04	11	\$3,781.66
<b><u>TOTALS</u></b>	<b>368</b>	<b>\$11,355.57</b>	<b>503</b>	<b>\$9,851.03</b>	<b>443</b>	<b>\$19,246.14</b>	<b>297</b>	<b>\$10,993.60</b>

Note: The New England Commissions reported complaints generally include traditional wireline (primary complaint numbers), interconnected VoIP, and wireless voice services.  
\*Connecticut does not separately track cramming complaints, and Maine's numbers do not include wireless complaints.  
\*\* Rhode Island reports receiving approximately three (3) to four (4) cramming-related complaints each week, averaging about 180 per year.

New England Commission consumer staff noticed certain trends involving the cramming complaints that they receive. Consistent with the Commission’s record, many of the cramming complaints reported by New England consumers involve charges placed on their bills by third-party providers and/or those companies’ billing aggregators.<sup>36</sup> Common complaints made by New England consumers are that they had been unaware of the charge placed on their voice bill; they dispute having authorized or ordering the service; they are unfamiliar with the provider or the type of service for which they are being billed; they are unable to “get through” to the company assessing the charge; and/or they are “confused.” For those customers seeking and obtaining resolution, they often do not receive credit from their phone company for at least 2-3 billing cycles. Further, the charges being assessed often appear to be significant. More often than not, many consumers are now experiencing unauthorized monthly charges of \$12.95,

<sup>35</sup> *Cramming NPRM* at ¶ 19.

<sup>36</sup> The New England Commissions exclude from their cramming numbers those complaints typically characterized as voice provider deceptive billing/marketing practices (i.e., often involving non-third party disputed charges placed on customer bills).

\$14.95, \$29.95, or more, and they are listed under the guise of “electronic fax service,” “connection backup,” “voicemail,” “webhosting,” “electronic modem fee,” etc.

The RI DPUC observes that its typical cramming complaints involve an alleged family member having authorized a third party charge to be put on the family’s phone bill. As part of its resolution process, Rhode Island staff will attempt to contact the third party after the consumer has already tried to resolve the issue and will request a Third Party Verification ("TPV") tape authorizing the third party charge. Most often the third party is an “on-line” company and does not use a TPV tape but rather a form authorizing the third party charge. Rhode Island staff has found that many of these third party charges are in fact cramming as the third party authorization form has the wrong information or is totally falsified.

Clearly, a problem exists, and the New England Commissions would welcome additional federal safeguards put in place.

### **III. THE COMMISSION SHOULD IMPLEMENT MANDATORY CRAMMING RULES.**

The New England Commissions anticipate that certain commenters will urge the Commission to retain something comparable to its existing guidelines. However, as the Commission recognizes, “[t]he substantial volume of wireline cramming complaints that the Commission, the Federal Trade Commission (FTC), and states continue to receive suggests the ineffectiveness of voluntary industry practices and highlights the need for consumer safeguards.”<sup>37</sup> This is consistent with the Commission’s recognition that voluntary measures have proven insufficient in other areas, as well, including wireless bill shock,<sup>38</sup> communications

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<sup>37</sup> *Cramming NPRM* at ¶ 19.

<sup>38</sup> *Empowering Consumers to Avoid Bill Shock; Consumer Information and Disclosure*, CG Docket Nos. 10-207 and 09-158, Notice of Proposed Rulemaking, FCC 10-180, at ¶¶ 2 and 13 (rel. Oct. 14, 2010) (noting that

outage reporting,<sup>39</sup> and entity data reporting.<sup>40</sup> As a result, the New England Commissions urge the Commission to address the ongoing and pervasive cramming issue and disregard arguments against imposition of more stringent and mandatory cramming requirements.

**IV. FEDERAL CRAMMING RULES SHOULD APPLY TO ALL VOICE PROVIDERS, REGARDLESS OF TECHNOLOGY, AND SHOULD BE UNIFORM.**

The Commission's focus appears to involve imposition of cramming requirements primarily on traditional wireline voice providers, with passing inquiry on whether it should impose all of the same requirements on interconnected VoIP and wireless providers as well.<sup>41</sup> In response, the New England Commissions urge the Commission to adopt cramming rules that are uniform and apply to all voice providers, regardless of technology. In particular, the Commission should enact rules that apply to all voice services utilizing a telephone number, because cramming, by definition, involves unauthorized charges on telephone bills, as the Commission's recent Notices of Apparent Liability consistently find.<sup>42</sup> Such an approach will

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voluntary protections against bill shock currently offered by providers "vary widely" and "have proven insufficient").

<sup>39</sup> *The Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers*, PS Docket No. 11-82, Notice of Proposed Rulemaking, FCC 11-74, at ¶ 57 (rel. May 13, 2011) (citations omitted) (discussing previous imposition of outage reporting requirements because prior participation in voluntary network-outage reporting was "spotty," the "quality of information obtained was very poor," and there was "no persuasive evidence in the record that ... all covered communications providers would voluntarily file accurate and complete outage reports for the foreseeable future or that mandatory reporting is not essential to the development, refinement, and validation of best practices").

<sup>40</sup> *See In the Matter of A National Broadband Plan for Our Future*, GN Docket No. 09-51, Notice of Inquiry, FCC 09-31, Appendix at n.50 (rel. Apr. 8, 2009) (noting that agency attempts to collect any information on a voluntary basis are not always successful).

<sup>41</sup> *Cramming NPRM* at ¶¶ 53, 69. The Commission also considers requiring *both* traditional wireline (non-VoIP) providers and wireless providers to provide Commission contact information on consumer bills and separately seeks comment on that proposal. *Id.* at ¶¶ 50-52.

<sup>42</sup> *See, e.g., Main Street Telephone Company*, Notice of Apparent Liability for Forfeiture, FCC-11-89 (rel. Jun. 16, 2011); *VoiceNet Telephone, LLC*, Notice of Apparent Liability for Forfeiture, FCC-11-91 (rel. Jun. 16, 2011); *Cheap2Dial Telephone, LLC*, Notice of Apparent Liability for Forfeiture, FCC-11-90 (rel. Jun. 16, 2011); *Norristown Telephone Company, LLC*, Notice of Apparent Liability for Forfeiture, FCC-11-88 (rel. Jun. 16, 2011)

ensure greater regulatory parity and predictability for providers and consumers, particularly as consumers have come to expect similar services from voice providers, regardless of technology.<sup>43</sup> Otherwise, if the Commission applies these rules only to traditional wireline providers, it is bound to create consumer confusion regarding the protections that apply and unfairly singles out a single technology for regulation where the record shows evidence of cramming across technology types.

**V. THE NEW ENGLAND COMMISSIONS SUPPORT THE COMMISSION'S PROPOSED MODERATE APPROACH TO CRAMMING IF CERTAIN REQUIREMENTS ARE MET.**

Instead of prohibiting carriers from placing third-party charges on telephone bills entirely, the Commission indicates that it takes “the more moderate approach of addressing the confusion and frustration that consumers experience from the *manner* in which carriers currently include both carrier charges and third-party charges on telephone bills, and by ensuring that consumers are aware of blocking options.”<sup>44</sup> The New England Commissions support the Commission’s “moderate” approach in the near-term to the extent that the Commission: (1) mandates that all carriers offer a blocking option to consumers free-of-charge; (2) mandates that all disclosures are clear and conspicuous; and (3) ensures that its rules do not preempt more

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(all finding that the company willfully and repeatedly placed, or caused to be placed, charges on consumers’ telephone bills for services the consumers did not request or authorize).

<sup>43</sup> *Telephone Number Requirements for IP-Enabled Services Providers; Local Number Portability Porting Interval and Validation Requirements; IP-Enabled Services; Telephone Number Portability: CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues: Final Regulatory Flexibility Analysis; Numbering Resource Optimization*, WC Docket Nos. 07-243, 07-244, and 04-36, CC Docket Nos. 95-116 and 99-200, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, FCC 07-188, at ¶ 18 (rel. Nov. 8, 2007) (specifying that “consumers’ expectations for [interconnected VoIP] services trend toward their expectations for other telephone services”).

<sup>44</sup> *Cramming NPRM* at ¶ 82.

stringent state standards.<sup>45</sup> If the cramming problem persists after implementation of the proposed rules, then the New England Commissions urge the Commission to revisit prohibition of third-party charges at a later time, as the Commission considers.<sup>46</sup>

**A. All Voice Providers Should Offer a Blocking Option to Customers Free-of-Charge.**

Currently, many carriers already offer a blocking option to their customers who do not wish to receive third-party charges on their bills.<sup>47</sup> The record suggests that “the cost [to wireline providers] of offering blocking options is not sufficiently high to warrant additional charges beyond the monthly recurring charge for telephone service”<sup>48</sup> and many providers also already offer blocking options free-of-charge.<sup>49</sup> The Commission seeks comment on whether it should simply require providers to notify consumers whether they offer or do not offer blocking of third-party charges.<sup>50</sup> Alternately, the Commission inquires whether it should mandate wireline providers offer a blocking option.<sup>51</sup> Consistent with the New England Commissions’ support of the Commission’s “moderate” approach and current carrier practice, the Commission should instead mandate that all voice providers offer a free-of-charge blocking option to consumers.

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<sup>45</sup> The VT DPS wishes to clarify that, consistent with comments expected to be filed by the Vermont Attorney General, it supports a ban on third party charges to landline telephone bills.

<sup>46</sup> *Cramming NPRM* at ¶ 62.

<sup>47</sup> *Id.* at ¶ 17, n.39 (citing as examples comments submitted by AT&T, Sprint, Verizon, and Qwest).

<sup>48</sup> *Id.* at ¶ 44.

<sup>49</sup> *Id.* at ¶ 54, n. 125 (citing as examples comments submitted by Sprint, Verizon, and U.S. Cellular); Federal Trade Commission Comments, CG Docket No. 09-158, CC Docket No. 98-170, and WC Docket No. 04-36, at 15 (filed Oct. 28, 2009) (noting that blocking options are available to wireless subscribers).

<sup>50</sup> *Cramming NPRM* at ¶¶ 40-44, 59.

<sup>51</sup> *Id.* at ¶¶ 60-61.

**B. All Disclosures Should be Clear and Conspicuous.**

The Commission's current Truth-in-Billing principles require that customer bills contain clear and conspicuous disclosure of any information that the consumer may need to make inquiries about, or to contest charges on the bill.<sup>52</sup> The Commission defines "clear and conspicuous" as "notice that would be apparent to the reasonable consumer."<sup>53</sup> In the instant NPRM, the Commission proposes to expand upon the existing "clear and conspicuous" Truth-in-Billing language and require that companies provide clear and conspicuous disclosures to consumers involving inquiry and complaint contacts (i.e., Commission contact information on customer bills and carrier websites, as well as carrier and/or third-party contact information of those entities authorized to resolve customer complaints) and the carrier's ability to offer third-party charge blocking options.<sup>54</sup> As further support of the Commission's "moderate" approach, the New England Commissions endorse the Commission's decision to retain and expand upon its "clear and conspicuous" disclosure requirements but refrains from comment on recommending particular formatting for those requirements.

**C. New Federal Cramming Rules Should Not Preempt More Stringent or Other State Cramming Standards.**

Finally, the New England Commissions support the Commission's "moderate" approach to the extent that the Commission does not preempt more stringent state cramming standards, such as those recently imposed by the Vermont state legislature, or other state cramming standards, such as those required in Maine. For instance, the recent change to the Vermont law, which limits the types of goods and services that may be billed through a telephone bill,

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<sup>52</sup> *Id.* at ¶ 12; 47 C.F.R. § 64.2401(a)(3).

<sup>53</sup> *Cramming NPRM* at ¶ 42; 47 C.F.R. § 64.2401(e).

<sup>54</sup> *Cramming NPRM* at Appendix A, proposed rules 47 C.F.R. §§ 64.2401(d) and (f).

corresponds to a decrease in the number of cramming complaints filed by consumers with the VT DPS. As a further example, Maine has had an anti-cramming rule in place since January of 2000, which establishes registration requirements, complaint procedures, and penalty provisions for service providers and billing aggregators. The MEPUC believes this rule has been instrumental in reducing cramming in Maine. In order to deter any possible conflict or confusion, the Commission should clearly specify that its new regulations do not preempt more stringent or existing state cramming requirements.

**VI. TIMELINES AND A PROCESS FOR LIMITED WAIVER ARE REASONABLE.**

The Commission inquires as to the appropriate timeframe carriers would need in order to implement any new Commission rules.<sup>55</sup> While the New England Commissions believe that some form of transition period would be reasonable, we do not have sufficient data to recommend a specific timeline. However, we recognize that carriers may currently have technical or cost limitations to implement changes to billing practices and systems, as well as to implement any requisite blocking options. As such, we urge the Commission to establish a uniform timeline for all voice providers, but in accordance with Commission rules, permit a limited waiver for any carrier unable to comply.<sup>56</sup> In particular, the waivers should neither be granted without proper support, nor should they be indefinite.

**VII. THE COMMISSION SHOULD CAREFULLY CONSIDER INCLUSION OF CONTACT INFORMATION ON CONSUMER BILLS.**

The Commission proposes a requirement that carriers include Commission information on their customers' bills and on the carriers' websites in order to enhance consumers' abilities to resolve complaints. This requirement would only apply to traditional wireline and wireless voice

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<sup>55</sup> *Cramming NPRM* at ¶¶ 49, 51, 80.

<sup>56</sup> The Commission may waive any provision of its rules for good cause shown. *See* 47 C.F.R. § 1.3.

providers.<sup>57</sup> For support, the Commission, in part, points to a recent Government Accountability Office survey indicating that many consumers are unaware of where or how they can submit complaints to the Commission.<sup>58</sup> The Commission indicates that:

Mandating the inclusion of Commission contact information on telephone bills and carrier websites would provide consumers with greater knowledge of and access to dispute resolution mechanisms while imposing minimal costs on service providers. It also would enable the Commission to more effectively monitor and track emerging problems affecting consumers as well as improve public awareness of the Commission's complaint process.<sup>59</sup>

The New England Commissions recognize the benefit of including agency contact information on consumer bills. For instance, all of the New England states (i.e., Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont) have rules which require that their state utility commission contact information be included on traditional wireline provider bills.<sup>60</sup> Such a rule also corresponds to the federal requirement that cable operators include local franchising authority information on their bills.<sup>61</sup> If, however, the Commission implements a Commission contact requirement on voice provider bills, there exists the possibility of consumer confusion on the appropriate entity to contact or frustration of being

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<sup>57</sup> *Cramming NPRM* at ¶¶ 50, 52.

<sup>58</sup> *Id.* (citations omitted).

<sup>59</sup> *Id.* at ¶ 50.

<sup>60</sup> See, e.g., Regulations of Connecticut State Agencies Section 16-247c-4(a)(6) (requiring CLECs to provide contact information on their bills); MEPUC, *Standards for Billing, Credit and Collection, and Customer Information for ETCs*, Chapter 290, §18(E), available at <http://www.state.me.us/mpuc/legislative/rules/part2-telephone.shtml> (last viewed Oct. 13, 2011); MDTC, *Residential Billing and Termination Practices*, D.P.U. 18448, Rule 3.6(a) (Right to Dispute Bill), available at: <http://www.mass.gov/Eoca/docs/dte/telecom/18448.pdf> (last viewed Oct. 4, 2011); NHPUC, New Hampshire Code of Administrative Rules, Chapter Puc 400, Part Puc 412, Puc 412.05 and Part 432, Puc 432.05.

<sup>61</sup> See 47 C.F.R. § 76.952(a) (requiring cable operators to include on their monthly subscriber bills the “name, mailing address and phone number of the franchising authority, unless the franchising authority in writing requests the cable operator to omit such information”). Although the Commission implemented this rule when cable operators typically only provided video services, it is worth noting that many cable operators now offer voice service, often interconnected VoIP, as part of a bundled video package.



bounced around until reaching the appropriate entity to help resolve their issues.<sup>62</sup> As a result, the New England Commissions do not formally oppose or support the Commission’s proposal. Instead, we urge the Commission to carefully consider the concerns expressed in these comments.

#### **VIII. THE COMMISSION’S NUMBERING AUTHORITY MAY PROVIDE AN ADDITIONAL RATIONALE TO IMPOSE CRAMMING REQUIREMENTS.**

The Commission seeks comment “on the nature and scope of [its] authority to adopt the proposed rules, as well as to adopt other requirements discussed herein,” including the possibility of imposing a ban on all third-party charges on telephone bills.<sup>63</sup> As support for its proposed rules, the Commission points to its authority under Section 201(b) of the Act to enact cramming rules for traditional wireline and wireless voice providers,<sup>64</sup> and its Title I ancillary authority for interconnected VoIP providers.<sup>65</sup> The New England Commissions generally agree that the Commission has sufficient legal authority to impose the proposed cramming rules on wireline, wireless, and interconnected VoIP providers. However, because the Commission should enact rules that apply to all voice services that utilize a telephone number and for which a consumer receives a telephone bill, irrespective of technology, and the Commission may consider complete prohibition of third-party vendor charges in the future, the New England Commissions urge the Commission to also explore whether and how its numbering authority may further support rules

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<sup>62</sup> Although the Commission’s proposal is directed at cramming complaints, the Commission should anticipate receiving calls on non-cramming-related issues.

<sup>63</sup> *Cramming NPRM* at ¶¶ 62, 83.

<sup>64</sup> *Id.* at ¶¶ 83-84 (citations omitted). As noted above, the Commission already considers cramming to violate this provision of the Act. Federal law imposes Title II common carrier requirements, such as Section 201, on wireless voice providers “insofar as they are engaged in providing common carrier services.” *Id.* at n.156, *citing* 47 U.S.C. § 332(c)(1)(A).

<sup>65</sup> *Cramming NPRM* at ¶ 85 (citations omitted) and n.160 (pointing to previous assertions of its ancillary authority over interconnected VoIP providers).

involving cramming. In addition, the Commission should seek input from the North American Numbering Council (NANC) on this suggestion, although NANC's purpose previously focused on numbering administration.<sup>66</sup>

Congress granted the Commission exclusive jurisdiction over the North American Numbering Plan (NANP) in the United States.<sup>67</sup> The Commission's numbering rules are intended to establish "requirements and conditions for the administration *and use of* telecommunications numbers for provision of telecommunications services."<sup>68</sup> As the Commission previously noted in 1999:

[I]t is significantly *easier* to bill fraudulent charges on telephone bills than on credit card bills. While credit card charges require access to a customer account number that consumers understand should be treated confidentially, all that is often required to get a charge billed on a local telephone bill is the consumer's telephone number. This number is not only expected to be widely distributed, but can easily be "captured" by an entity even when the consumer has not authorized charges or made a purchase.<sup>69</sup>

Complaint trends show that for more than a decade entities have placed unauthorized charges on consumer bills through the simple use (and abuse) of consumer telephone numbers. As a result, the Commission, with NANC's input, should consider whether and how its numbering authority may be utilized to further support cramming rules imposed on voice and third-party vendor providers.

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<sup>66</sup> 47 C.F.R. §§ 52.5(b) (defining NANC and its purpose) and 52.11 (listing NANC's duties including, "but not limited to" those listed in the section).

<sup>67</sup> 47 U.S.C. § 251(e).

<sup>68</sup> 47 C.F.R. § 52.1(b) (emphasis added).

<sup>69</sup> *Truth-in-Billing Order* at n.18.

**IX. A FEDERAL-STATE COLLABORATIVE APPROACH TO CRAMMING WORKS BEST.**

The Commission recognizes that “a coordinated effort among the various regulatory entities that monitor and enforce federal and state laws on cramming is a critical component in protecting consumers from unauthorized charges” and seeks comment on ways to foster this effort.<sup>70</sup> The New England Commissions endorse and agree with the view that federal-state coordination helps to protect consumers and supports a federal-state collaborative approach to reduce instances of cramming on consumer bills. In order to promote this federal-state approach, the Commission needs to specify that its cramming regulations would not preempt states’ consumer protection or other regulatory authority. Further, the New England Commissions support federal-state coordination of the voluntary sharing of cramming complaints and information, and supports requiring providers to report complaint trends and spikes involving specific third-party vendors to appropriate federal and state agencies.

**A. The Commission Needs to Specify That Federal Cramming Rules Would Not Preempt States’ Consumer Protection or Other Regulatory Authority.**

Each state has its own level of consumer protections for entities operating within its borders.<sup>71</sup> While the proposed cramming rules would become federal regulation, the New England Commissions request that the Commission make an affirmative statement that these regulations would not preempt states’ consumer protection or other regulatory authority for carriers operating in their states, except to the extent that a state sought to establish standards related to the same subject matter that would interfere with regulations promulgated by the

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<sup>70</sup> *Cramming NPRM* at ¶ 66.

<sup>71</sup> *See, e.g.,* MASS. GEN. LAWS ch. 93A (entitled “Regulation of Business Practices for Consumers Protection”); MDTC, *Residential Billing and Termination Practices*, D.P.U. 18448.

Commission. Such a recommendation is consistent with existing federal law and previous recommendations.<sup>72</sup>

The Commission seeks comment on how to better coordinate the sharing of cramming complaints and information between federal and state entities, noting an FTC database that shares complaints among law enforcement entities.<sup>73</sup> In response, the New England Commissions support voluntary sharing of cramming data among federal and state regulatory entities, and they also commit to assisting the Commission's and FTC's efforts where they are able.

**B. Providers Should Be Required to Report Complaint Trends and Spikes Involving Specific Third-Party Vendors to Appropriate Federal and State Agencies.**

As part of its federal-state coordination inquiries, the Commission asks whether carriers should report trends or spikes in complaints they receive relating to specific third-party vendors to the “appropriate” federal or state regulatory agency. Because carrier interpretation of what constitutes an “appropriate” agency for reporting third-party vendor data may vary, the New England Commissions urge the Commission to require *all* voice providers (traditional wireline, wireless, and interconnected VoIP) to report such data to specific requesting entities, including the Commission itself, the FTC, state commissions, and state attorney general offices. This requirement should even apply to those providers over which certain states may not currently assert jurisdiction (i.e., wireless and/or interconnected VoIP providers) in order to help assist in their broader consumer protection and public interest obligations.

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<sup>72</sup> See NARUC Wireless Standards Survey at 12-13; *GAO Report* at 7; MDTC Comments, CG Docket No. 09-158, CC Docket No. 98-170, and WC Docket No. 04-36, at 15-17 (filed Oct. 13, 2009).

<sup>73</sup> *Cramming NPRM* at ¶ 66.

## **X. CONCLUSION**

These comments demonstrate an important need in New England for mandatory cramming rules which coordinate with, rather than supplant, state cramming rules. The Commission should enact rules that apply uniformly to all voice providers while allowing a timeline for implementation and limited waivers where appropriate. The Commission's numbering authority may provide the Commission with an additional source of authority to enact cramming rules. Above all, a collaborative approach between the Commission and states will best assist consumers against cramming.

Respectfully submitted,

On behalf of NECPUC

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